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DOCUMENT

ELECTRONICALLY FILED

DOC #:

DATE FILED: 12-6-18

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December 4, 2018

BY ECF

Hon. Robert W. Lehrburger
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Request granted on consent. Settlement
conference adjourned to Feb. 7, 8 2019.
No further extensions absent compelling
circumstances. SO ORDERED:


HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Re: *Johnny Hincapie v. The City of New York, et al.*, 18-CV-3432 (PAC)

Your Honor:

I am Senior Counsel in the Office of Zachary W. Carter, Corporation Counsel of the City of New York, and the attorney assigned to the defense of the above-referenced matter. Defendant City of New York respectfully requests an adjournment of the upcoming settlement conference currently scheduled for December 18-19, 2018 to any of the suggested dates below. Plaintiff's counsel kindly consents to this request. This is defendant City's first request for such an extension. Additionally, should the Court grant this request, the parties jointly request that all pending deadlines continue to be extended until after the settlement conference has been held.

By way of background, this case stems from plaintiff's 1990 arrest and subsequent murder conviction. Plaintiff's conviction was vacated, and he now alleges, *inter alia*, that the confession he gave was coerced.

The above adjournment request is due to the fact that defense counsel has been consumed with trial preparation for much of the past month. The trial took place in the Southern District of New York, and concluded on November 28, 2018. (*See* 16-cv-273 (WHP)). As the Court is aware, the record in plaintiff's underlying criminal case is enormous, and reviewing the underlying record continues to require a significant amount of time. Consequently, the requested adjournment will allow defense counsel to digest the voluminous record in this case, prepare for

the settlement conference, and continue the process of obtaining settlement authority in advance of the settlement conference.

After speaking with plaintiff's counsel, both parties are available on the following dates: 1/23/19; 1/25/19; 2/6/19 – 2/8/19.¹

Additionally, as stated above, should the Court grant this request, the parties respectfully request that the Court continue to stay all pending deadlines until the settlement conference is conducted (*see* Dkt. 74, 76).² Finally, should the Court grant this request, the parties also ask that the deadline to submit pre-conference settlement statements be extended to 10-days prior to the new conference date.

Respectfully submitted,

/s/

Matthew E. Stein
Senior Counsel

MES/m

cc: All Counsel (by ECF)

cc: Judge Paul A. Crotty (by ECF)

¹ Mr. Harvis has informed me that he currently has a trial scheduled to begin on January 28, 2019.

² As of the date of this letter, defendants' deadline to answer or respond to the complaint has been stayed, and plaintiff's 4(m) service deadline has also been stayed.